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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Gi Young Jang

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,614	Applicant(s) JANG, GI YOUNG	
	Examiner James O. Hansen	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20,22,24,25,27-31 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) 22,24 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,25,27-31 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20, 25, 27-31 & 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Admission {APAA} – fig. 1, in view of Ohgami et al., [U.S. Patent 5,905,550]. APAA (fig. 1) teaches applicant's inventive claimed method for fixing a display panel in a monitor as disclosed in the previously attached **Exhibit A**, including the display panel comprising a screen portion (viewed as the portion facing the front cover) on a first side of the panel and configured to display an image as is customary in the art, with a rear portion (opposite of screen portion) provided on a second side of the panel and configured to face an inner surface of the back cover (shown in Exhibit A); but APAA does not show 1) aligning the fixing frame to the back cover as prescribed by applicant or 2) show at least one hook and at least one corresponding hook receiving portion utilized so as to couple the back cover to the front cover [dependent claims introduce a plurality of hooks and receiving portions]. As to the fixing frame being aligned and coupled to the back cover {APAA shows the fixing frame being aligned and coupled to the front cover and then assembling the back cover to the front cover assembly}, note the following: the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the assembly of APAA's monitor depending upon the preferences of the

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designer since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art and therefore will not distinguish the invention from the prior art in terms of patentability. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955) (Prior art disclosed a clock fixed to the stationary steering wheel column of an automobile while the gear for winding the clock moves with the steering wheel; mere reversal of such movement, so the clock moves with wheel, was held to be an obvious expedient.). The position is taken that a reversal of parts would rationalize the claimed procedural steps since the guide portions would be moved from the front cover of APAA to the back cover, while the fasteners for securing the frame and display panel combo would be fixed to means formed in the back cover as opposed to means formed in the front cover when modified {such rearrangement of working parts would directly affect the sequence of steps taken to assembly the monitor into a finished product}. As to the incorporation of the hook and hook receiving portion, note the following: Ohgami (figures 1-14) teaches the use of a hook (25) on a front cover (21) and the use of a hook receiving portion (26) on a back cover (20) for the purpose of securing the covers together. As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the coupling of APAA monitor cover parts so as to incorporate a hook arrangement as opposed to the fasteners in view of Ohgami's because this coupling arrangement would provide for the secure coupling of the front cover to the back cover without the use of separate fasteners while allowing the covers to be uncoupled without the aid of a tool thereby reducing the number of parts/equipment needed to secure/unsecure the covers with

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respect to each other [see col. 3 of Ohgami]. Concerning the “strength” limitation, the position is put forth that enhancing the strength of one element with regards to an adjacent element would have been obvious since enhancing a product was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in other situations. One of ordinary skill in the art would have been capable of applying this known method of enhancement [added strength] to an element in the prior art and the results would have been predictable to one of ordinary skill in the art. With regards to the positioning of the screen portion when the display panel is fixed to the monitor, the position is taken that the screen portion of the panel may be configured to face upwardly with respect to the back cover during a process of the fixing of the panel in the monitor as dependent upon the assembly machinery or applicable application of joining as performed by a worker. The direction of the components would not appear to affect the overall process of assembling the product in view of today's automated manufacturing/assembly operations. Additionally, as modified above, when the fixing frame and display panel are aligned with the back cover as opposed to the front cover, the connection would implicitly impart the orientation as claimed by applicant since this procedure would make for ease of joining due to the direction of fastener insertion.

3. As to claim 25, APAA shows the back cover comprising a rear portion of a housing for the panel {Exhibit A}. As to claims 27 & 28, the back cover supports the panel when the panel and front cover are coupled to the back cover as modified above [reversal of step], while the panel is aligned with the frame via first and second fixing

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portions {Exhibit A}. As to claims 29-31 & 34-36, APAA utilizes two distinct fasteners for coupling the display unit and frame to the front cover along with bosses having reinforcing ribs for accepting the fasteners, however, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the fixing tabs of the frame and the panel into one axially aligned tab arrangement for the purpose of utilizing one fastener and mating boss to join the combined frame and panel to the front cover. Such a modification would reduce the number of fasteners needed to secure the display unit to either of the covers thereby reducing the costs associated with the production of the device. Accordingly, the position is taken that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements or steps as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention. As to the incorporation of a plurality of hooks and receiving portions, note the following: Ohgami teaches that it was known to utilize a plurality of hooks (25) along the periphery of a cover [see col. 6, lines 54-67 for example] with mating hook receiving portions (26 – see for example fig. 2) along the periphery of an adjacent cover for the purpose of coupling the covers securely together. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of fixing the front cover to the back by incorporating multiple hooks and hook receiving portions along the periphery of the covers [plural side edges of each cover] in view of Ohgami's teaching

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because this arrangement would enhance the connective feature of APAA as previously modified since a plurality of hooks could be utilized thereby ensuring a tight seal between the edges of the covers. Additionally, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate additional hooks and mating hook receiving portions since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.; furthermore, the courts have held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Response to Arguments

4. The examiner recognizes APAA's shortcomings in that the display unit is secured to the front cover and then the back cover is secured to the front cover. This procedure in itself does not obviate the point that one of ordinary skill in the art would deem the fastening of the display unit to the back cover and then the fastening of the front cover to the back cover an obvious reversal of an assembly procedure wherein the steps performed to produce a product are varied depending upon design preferences but either procedure produces the same product. The claimed "inventive feature" concerns a slight constructional/procedural change in the prior art device that is deemed to come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. As such, the

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"inventive feature" lacks an inventive step and therefore does not constitute patentable subject matter. Furthermore, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). *Ex Parte Smith*, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing *KSR v. Teleflex*, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). *Ex Parte Smith*, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 1396).

5. Applicant's arguments filed July 1, 2009 have been fully considered but they are not persuasive. With respect to applicant's amendments to the claims and remarks concerning the application of APAA in view of Ohgami et al., note the following: applicant argues that APAA does not show the display panel and fixing frame as being aligned with the back cover. On this point, the examiner agrees as is stipulated within the body of the rejection. The examiner noted that the "inventive" step is not performed in the manner claimed when reviewing the evidence; however, the examiner accounts

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for this shortcoming by stating that such a procedure “inventive step” could be expected due to general experimentation by the designer by simply reversing the procedure of assembly. Such a reversal would achieve the same results i.e., a front cover attached to a back cover with a fixing frame and display panel attached within the assembled covers, without affecting the function or performance of the device. The evidence reference to Ohgami was cited to cure the deficiency of providing a hook coupling arrangement [plurality of hooks with mating hook receiving portions located on respective cover structures] between mating covers of a display structure. Utilizing hooked couplings to secure a front cover to a back cover was known within the art and therefore does not represent a new or novel feature. As such, the position is taken that the applied prior art references still adequately define all the claimed features of applicant's invention.

6. Additionally, the position is taken that a *prima facie* case of obviousness has been established since applicant's claimed invention only rearranges and unites old elements and with no change in their respective functions. Common sense directs one to look with care at a patent application that claims as innovation the combination of known devices according to their established functions, as such, the examiner has identified reasons that would have prompted a person of ordinary skill in the art to combine the elements in the same way as the claimed new invention does.

7. Accordingly, since applicant has not submitted persuasive evidence that the rearrangement or combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C.

103(a) **because it is no more than the predictable use of prior art elements according to their established functions** resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James O. Hansen/
Primary Examiner, Art Unit 3637

JOH
September 7, 2009